

Application No. 10/759,527
Amendment Dated: October 15, 2007
Reply to Office Action of: April 13, 2007

REMARKS

In response to the final Office Action issued by the Examiner on the above application, the Applicants have submitted herewith a request for continued examination together with amendments to the claims that are believed to address the objections raised by the Examiner and render the claims in condition for allowance. In addition, new claims are submitted herewith to further distinguish the scope of protection sought over the art made of record.

With respect to claim 1, the Examiner has taken the view that because the stent shown in Israel expands, it must have hinge points and therefore anticipate claim 1. The Examiner states that the corners of the links form hinge points. With due respect, it is not understood where the Examiner can reach this conclusion and in fact, it is not practical to forecast where a uniform linkage as shown in Israel would deform. The deformation of the linkage described in Israel is entirely unpredictable and it is exactly this problem that the present application seeks to address.

The Examiner has referred to column 3, line 37 through 49 as teaching hinges that allow bending or deformation. However, a reading of that passage does not disclose any teaching of a hinge that defines the point at which bending will occur. In fact, lines 46 through 49 and in particular line 48 indicates the opposite, namely that "it will be appreciated that the stent of Figures 1 to 4 can bend in any direction and in more than one direction at any time." (emphasis added) This clearly confirms that the teaching of Israel is devoid of any concept of providing defined hinge points along the linkage to control the points at which bending occurs.

Claim 1 requires the hinge points to be provided by deformable zones of relative weakness along the links. As is clear from the description in Israel, as set out above, there are no deformable zones of relative weakness defined along the links in Israel. The bending occurs in an unpredictable and random manner thereby making it clear that the deformable zones recited in the claim are not present in Israel.

In an attempt to clarify claim 1 with respect to Israel, amendments have been made to make it clear that the deformable zones are predefined areas and are intended to control the locations at which bending will occur within the linkage. Thus, claim 1 now recites a pair of hinge points spaced apart at predefined locations along the linkage.

Israel fails to teach or disclose any predefined locations at which bending will occur and therefore cannot anticipate claim 1 under the provisions of 35 USC 102(e).

The Examiner has rejected claim 2 on the basis of a combination of Israel in view of Orth. It is believed to be the Examiners contention that although Israel does not disclose a

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hinge point of relative weakness, Orth shows a connector or link used in a stent with a notch to provide a weakened area.

Firstly, it should be noted that the structure referred to by the Examiner appears to be the notched connecting member 20 that connects a pair of stent sections 11 and 12. As previously submitted, the teaching in Orth therefore is to provide a point of weakness in the connection member that connects the stents and does not provide any teaching as the provision of such notches within a linkage that defines the stent itself.

The Examiner has pointed out that the argument is that Orth teaches a zone of relative weakness within a connecting member in the general field of stents and therefore, it would have been obvious to one of ordinary skill in the art to use a reduced cross section in a link area in the stent of Israel. Such a combination presupposes that Israel teaches the need for defined areas of weakness. As commented above, Israel is entirely silent as to the need to define areas at which bending will occur and rather acknowledges that bending in the linkage can occur in any direction and in more than one direction at any time.

The Examiner's argument is therefore understood to be based upon the position that the need to define locations at which bending will occur is taught by Israel and that Orth teaches the mechanism by which such bending can be defined. However, it is the Applicant's position that there is no such teaching in Israel other than the general need to provide bending. There is however no indication of the criticality of providing particular locations at which bending will occur and indeed the fact that the bending appears to be uncontrolled is described as an attribute rather than as a problem.

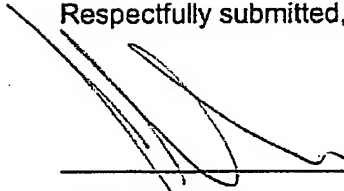
Therefore, although the structure shown in Orth may teach a hinge point in a connecting member that connects to stents, there is nothing within Orth itself to suggest that it could be used in other areas of the stent. Similarly, there is nothing in Israel to suggest that it requires a mechanism to provide controlled bending that would enable the teachings of Orth to be applied in the manner suggested by the Examiner. As such, it is respectfully submitted that the combination of Israel and Orth to arrive at the invention claimed is not a matter of ordinary skill in the art given the lack of teaching in the principal reference of Israel of the need for the structure shown as being used in an entirely different manner in Orth.

New claims 3 through 17 are submitted herewith. Claim 3, on which claims 4 to 17 depend, recites the provision of a node of enlarged cross section at the intersection of the axial links and circumferential link. This is not taught in either Israel or Orth and therefore is believed to distinguish patentability from the art of record.

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Further consideration of the rejection of claim 2 is therefore respectfully requested.

Respectfully submitted,



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